

Proposed Amendments to Bill 1259

Proposed by: Staff
Introduced by: Mr. Hollis, Mr. Pack, Ms. Price
Date: February 25, 2014

KEY

Boldface.....Heading or defined term
Underlining.....Bill adds to existing law
~~Strikethrough~~.....Bill deletes from existing law
Double Underlining.....Added to Bill by amendment
~~Double Strikethrough~~.....Deleted from Bill by this amendment
* * * Existing law unaffected

Proposed Amendments: The amendments proposed to the text of the Bill are as follows:

§ 190-182. Variances.

A. Authority.

- (1) The Board of Appeals or the Planning Director may authorize a variation or modification from the bulk requirements or numerical parking standards of this chapter subject to the standards given in this section.
- (2) The Planning Director shall make decisions on minor variances and administrative variance as described in this section. All other variances shall be heard and decided by the Board of Appeals.
- (3) A variance may not be granted to the following:
 - (a) Density, ~~minimum lot size and minimum lot width requirements.~~
 - (b) ~~Requirements not related to the location or dimensions of structures~~ Provisions other than bulk requirements or

numerical parking standards, such as number of employees and time of operation.

- (c) ~~Requirements that are conditions~~ Regulations or conditions under which a ~~particular~~ special exception may be or has been granted by the Board of Appeals.

* * *

§ 190-208. Terms Defined.

* * *

BULK REQUIREMENTS – Numerical regulations that govern the size or dimension of lots and the location or dimensions of uses or structures within a certain zoning district or for a certain land use. Bulk requirements include setback, height, area, lot size, lot coverage, and width requirements. Density requirements and regulations for specific land uses requiring a special exception are not bulk requirements.

* * *

Purpose: This new language is intended to address inconsistencies between the definition of “bulk requirements” and subsection A. (3), and to clarify these provisions.

Amendments are not substantive: An amended ordinance cannot be deemed to be new or different one unless it enlarges or narrows the scope of the original ordinance to such an extent that the ordinance as enacted can be said to be misleading in a substantial manner in its final form. Amendments that do not defeat the original purpose of the ordinance are not so substantial as to become a new ordinance. *Ajamian v. Montgomery County*, 99 Md. App. 665, 684-685 (1994). This amendment meets that test and it is therefore not substantive.